

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

| | | |
|--------------------------------|---|--|
| WELLS FARGO BANK, N.A., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 3:11-cv-00226-DPJ- |
| |) | FKB |
| WEST JACKSON STUDENT |) | |
| HOUSING, LLC, |) | |
| |) | |
| Defendant. |) | |

**JOINT NOTICE OF SETTLEMENT AND MOTION FOR
DISTRIBUTION OF FUNDS HELD IN REGISTRY OF THE COURT**

Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”) and Defendant West Jackson Student Housing, LLC (“West Jackson”), by and through their respective undersigned counsels, hereby jointly provide notice to this Court that the parties have reached a settlement regarding the claims that have been or could be asserted by the parties in the above styled civil action and jointly move this Court to disburse the funds paid into the Registry of the Court by Receiver Campus Advantage, Inc. (“Receiver”) as set forth herein. In support of this Motion, the parties state as follows:

1. On November 28, 2012, this Court entered its Order terminating the Receivership, in which the Court ordered, among other things, the Receiver to apply any cash in the possession of the Receiver to the unpaid fees and expenses of the Receivership estate and then deposit any remaining funds into the registry of the Court pending resolution of the instant lawsuit.

2. On January 14, 2013, the Receiver filed its final accounting with the Court and deposited the total amount of \$447,256.69 into the registry of the Court in accordance with the Termination Order (the “Receivership Cash”)

3. On February 22, 2013, Wells Fargo and West Jackson executed a settlement agreement (the "Agreement") that resolves all claims and matters of dispute between them related to the instant lawsuit, including the parties' rights to the Receivership Cash.

4. The Agreement provides, among other things, that Wells Fargo and West Jackson agree that the Receivership Cash should be distributed as follows:

- (i) \$6,536.37 shall be paid to S. Craig Panter in full satisfaction of his unpaid fees and expenses and claimed lien on the Receivership Cash, which the parties request be paid by check made out to Panter Law Firm, PLLC and mailed to Panter Law Firm, PLLC, 7736 Old Canton Road, Suite B, Madison, MS 39110;
- (ii) \$193,463.63 shall be paid to West Jackson, which the parties request be paid by check made out jointly to May Law Firm Trust Account and West Jackson Student Housing, LLC and mailed to West Jackson's undersigned counsel, Herb Irvin, Irvin & Associates, PLLC, P.O. Box 1869, Jackson, MS 39215; and
- (iii) All remaining Receivership Cash paid into the Court's registry by the Receiver shall be paid to Wells Fargo, which the parties request be paid by check made out to Wells Fargo Bank, N.A. and mailed to Wells Fargo's undersigned counsel, Cheri Gatlin, Burr & Forman LLP, The Heritage Building, 401 East Capitol Street, Suite 100, Jackson, MS 39201.

WHEREFORE, the parties request that this Court grant this Motion and disburse the Receivership Cash as requested herein, and grant such other, further, and different relief as this Court deems just and proper.

Respectfully submitted this the 25th day of February, 2013.

s/ Cheri Turnage Gatlin
D. Christopher Carson (AL Bar #ASB-4255C52D)
(*Pro Hac Vice*)
Cheri Turnage Gatlin (MS Bar #10323)
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Attorneys for Plaintiff
WELLS FARGO BANK, N.A.

/s/Herbert J. Irvin**

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Attorney for Defendant

WEST JACKSON STUDENT HOUSING, LLC

** signed electronically with permission by
Cheri Turnage Gatlin

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document on the following parties by Notice of Electronic Filing, or, if the party served does not participate in Notice of Electronic Filing, by U.S. First Class Mail, hand delivery, fax, or email on this the 25th day of February, 2013:

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STUDENT HOUSING, LLC

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s/ Cheri Turnage Gatlin
OF COUNSEL